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| 09/511,168 | 02/24/2000 | Xinguo Wei | CING-136 | 5447 |

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| EXAMINER |
|---|
| HOM, SHICK C |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
    WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>29 February 2008</u>.
2a)☐ This action is **FINAL.**        2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-21</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a)☐ All  b)☐ Some * c)☐ None of:
          1.☐ Certified copies of the priority documents have been received.
          2.☐ Certified copies of the priority documents have been received in Application No. _____.
          3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
              application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)                          4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)          Paper No(s)/Mail. _____.
3)☐ Information Disclosure Statement(s) (PTO/SB/08)               5)☐ Notice of Informal Patent Application
      Paper No(s)/Mail Date _____.                                6)☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1.   Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-9, 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell et al. (2002/0113816).

Mitchell et al. disclose a method of managing network elements in a communications network comprising:

establishing a hierarchy of geographical areas in the communication network, where an area at a higher level of the hierarchy includes a plurality of areas at a lower level of the hierarchy;

representing each network element in a geographical area at a first level in the geographical hierarchy; and

summarizing the representation of network elements at a second level in the geographical hierarchy, higher than the first level of the geographical hierarchy (the abstract which recite providing a method and apparatus for presenting hierarchical data to a user via a graphical user interface; whereby hierarchical data is represented by nodes, beginning with one or more top nodes and extending into lower hierarchical levels by the display of child nodes, child's child nodes, and so forth and navigation through the hierarchical data is provided by allowing the user to select any visible node, at which point a zoom-in or zoom-out view to the selected node as a centrally located node on the interface is performed; child nodes at lower hierarchical levels that were not visible before selection are then made visible up to a predetermined number of levels within the hierarchy and a map is provided on the interface which allows a user to graphically comprehend the present location of all nodes displayed on the interface in

relation to their position within the overall hierarchy; wherein
as applied to network management, the interface allows errors in
low level devices within a network to be visually propagated up
to the upper levels of the hierarchy, for display to a user
viewing only the top levels and paragraph 0006 which recite the
top level network interconnecting many smaller regional networks
associated with specific buildings, cities, or geographical
areas, whereby each of which represents a second level in the
network hierarchy; each regional network interconnecting
specific purpose departmental networks representing a third
level in the network hierarchy; each departmental network
including many individual subnetworks of computers, terminals,
printers, file and web servers, and so forth to form the fourth
level of the hierarchy, and so forth; and each computer
and data communications device may then be considered on an
individual basis as the fifth level in the hierarchy and may
include various internal devices or peripherals which form a
sixth hierarchical level clearly anticipate establishing the
hierarchy of geographical area in the communication network as
in claims 1-2, 15, 18-19); further

Mitchell et al. disclose a method of determining the
failure of a network element in a communications network
comprising:

detecting a failure of one or more network elements;

sending an alarm to the higher level in the geographical
hierarchy summarizing the failure of the one or more network
elements; and

in response to the alarm, identifying and locating failed
network elements at a lower level of the geographical hierarchy;
including

representing at least one network element as an icon;
establishing a set of rules defining the meaning of the icon
whereby the icon varies with respect to the status of the
network element; and the use of coloration of the icon
(paragraphs 0063-0064 recite upon detecting that the file server
suddenly loses access to one of its disks, the server signal
this failure condition via an exception to the remotely located
network management application on the host; and upon receipt of
this error condition, the network management software
application alter the color of the node which represents the
failed disk, as well as the color of node which represents the
file server whereby the color alteration indicates that there is
a problem with file server; whereby the network manager viewing
the top level of the network at the time the error occured, is
configured to propagate the error condition up to the top level
of the hierarchy by changing all data links leading to the lower

level node to indicate an error condition; wherein the data

links are highlighted or begin to flash on and off so that when

the network administrator notices a data link that begins to

flash to indicate an error, the network administrator can "drill

down" into the hierarchy via the aforementioned zoom-in node

selection process to reach that view which represents the device

with error can be indicated in red and the network manager can

then directly select this node, which will cause that node to be

the centrally located node on display and then analyze the data

displayed within the node on the GUI to determine the nature

of the error with disk to either disable the faulted disk or to

hot swap in a new disk clearly anticipate the method of

determining the failure of a network element as in claims 3-4,

15-18, and representing at least one network element as an icon;

rules defining the icon; whereby the icon varies with respect to

the status of the network element; and the use of coloration of

the icon as in claims 5-9).


## *Claim Rejections - 35 USC § 103*

4.    The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains.  Patentability shall not be
negatived by the manner in which the invention was made.

5.  Claims 10, 12-14, and 20-21 are rejected under 35 U.S.C.

103(a) as being unpatentable over Mitchell et al. (2002/0113816)

in view of Weinberg et al. (6,144,962).


    For claims 10, 12-14, and 20-21, Mitchell et al. disclose

the system and method described in paragraph 3 of this office

action.  Mitchell et al. disclose all the subject matter of the

claimed invention with the exception of the step of summarizing

the representation of network elements including use of textual

annotation as recited in claim 10; wherein network management

being supervised comprising creating supervisor identities; and

in which the establishment of rule-sets includes establishing a

set of rules for each supervisor identity; rules being

responsive to conditions selected from a group consisting of

power source status, software corruption, hardware failure,

environmental factors, and intrusion into the network elements

as in claims 12-13.  Although, Mitchell et al. and Weinberg et

al. did not teach or suggest the use of a fixed wireless service

network as recited in claims 14 and 20-21, the examiner take
official notice that the use of fixed wireless service network
is well known in the art.

Weinberg et al. from the same or similar fields of endeavor
teach that it is known to provide the steps summarizing the
representation of network elements by representing the condition
of network element with a textual annotation and wherein network
management being supervised comprising creating supervisor
identities; and in which the establishment of rule-sets includes
establishing a set of rules for each supervisor identity; rules
being responsive to conditions selected from a group consisting
of power source status, software corruption, hardware failure,
environmental factors, and intrusion into the network elements
(the abstract recites the step of building a graphically
depicted map to allow user to visualize the overall architecture
of the network connection including features to facilitate the
task of identifying problems; col. 2 lines 27-48 recite using
icons within the map to represent nodes on the display screen to
display the hierarchical data structure; col. 9 lines 1-18
recite the use of textual annotation; col. 20 lines 20-33 recite
the task manager processor and col. 22 lines 31-46 which recite
the use of an error code).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the step of summarizing the representation of network elements by representing the condition of network element with an icon including textual annotation; and wherein network management being supervised comprising creating supervisor identities; and in which the establishment of rule-sets includes establishing a set of rules for each supervisor identity; rules being responsive to conditions selected from a group consisting of power source status, software corruption, hardware failure, environmental factors, and intrusion into the network elements as taught by Weinberg et al. in the system and method of managing network elements and determining the failure of a network element in the communication network of Mictchell et al.

The step of summarizing the representation of network elements by representing the condition of network element with an icon including textual annotation; and wherein network management being supervised comprising creating supervisor identities; and in which the establishment of rule-sets includes establishing a set of rules for each supervisor identity; rules being responsive to conditions selected from a group consisting of power source status, software corruption, hardware failure, environmental factors, and intrusion into the network elements

can be implemented by including the step of summarizing the
representation of network elements by representing the condition
of network element with an icon including textual annotation;
and wherein network management being supervised comprising
creating supervisor identities; and in which the establishment
of rule-sets includes establishing a set of rules for each
supervisor identity; rules being responsive to conditions
selected from a group consisting of power source status,
software corruption, hardware failure, environmental factors,
and intrusion into the network elements of Weinberg et al. to
the system and method of Mitchell et al.

     The motivation for providing the step of summarizing the
representation of network elements by representing the condition
of network element with an icon including textual annotation;
and wherein network management being supervised comprising
creating supervisor identities; and in which the establishment
of rule-sets includes establishing a set of rules for each
supervisor identity; rules being responsive to conditions
selected from a group consisting of power source status,
software corruption, hardware failure, environmental factors,
and intrusion into the network elements as taught by Weinberg et
al. in the method and system of managing network and of
determining the failure of a network element in the

communication network of Mitchell et al. being that it provides
the added desirable features of text annotation and establishing
a set of rules for each supervisor identity to better allow user
to distinguish the error at the network.


6.    Claim 11 is rejected under 35 U.S.C. 103(a) as being
unpatentable over Mitchell et al. (2002/0113816) in view of
Henderson et al. (5,726,979).


Regarding claim 11:

     For claim 11, Mitchell et al. disclose the method described
in paragraph 3 of this office action.  Mitchell et al. disclose
all the subject matter of the claimed invention with the
exception of the step representing each network element in a
geographical area at a first level in the geographical hierarchy
includes entering a latitude and a longitude of the network
element upon installation into the network as in claim 11.

     Henderson et al. from the same or similar fields of
endeavor teach that it is known to provide the step of wherein
management of the network includes installation of network
elements into the communications network and in which
representing each network element in a geographical area at a
first level in the geographical hierarchy includes entering a

latitude and a longitude of the network element upon
installation into the network (see col. 7 lines 28-54 which
recite the use of the nsLatLong class for representing the
latitude and longitude data as in claim 11).

Thus, it would have been obvious to the person having
ordinary skill in the art at the time the invention was made to
provide the step of wherein management of the network includes
installation of network elements into the communications network
and in which representing each network element in a geographical
area at a first level in the geographical hierarchy includes
entering a latitude and a longitude of the network element upon
installation into the network as taught by Henderson et al. in
the communications network of Mitchell et al.

The step of wherein management of the network includes
installation of network elements into the communications network
and in which representing each network element in a geographical
area at a first level in the geographical hierarchy includes
entering a latitude and a longitude of the network element upon
installation into the network can be implemented by representing
each network element in a geographical area at a first level in
the geographical hierarchy includes entering a latitude and a
longitude of the network element upon installation into the

network of Henderson et al. to the design of the network element
of Mitchell et al.

The motivation for providing the step of representing each
network element in a geographical area at a first level in the
geographical hierarchy includes entering a latitude and a
longitude of the network element upon installation into the
network as taught by Henderson et al. in the communication
network of Mitchell et al. being that it provides the added
desirable feature of knowing the latitude and a longitude of the
network element at the higher level of the geographical
hierarchy.

## *Conclusion*

7.   The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure.
Rajala discloses a network monitoring method for
telecommunications network.


8.   Any inquiry concerning this communication or earlier
communications from the examiner should be directed to SHICK C.
HOM whose telephone number is (571)272-3173.  The examiner can
normally be reached on Mon-Thurs.

     If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Pham Chi can be reached
on 571-272-3179.  The fax phone number for the organization
where this application or proceeding is assigned is 571-273-
8300.

     Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
(PAIR) system.  Status information for published applications
may be obtained from either Private PAIR or Public PAIR.  Status
information for unpublished applications is available through
Private PAIR only.  For more information about the PAIR system,
see http://pair-direct.uspto.gov. Should you have questions on
access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would
like assistance from a USPTO Customer Service Representative or
access to the automated information system, call 800-786-9199
(IN USA OR CANADA) or 571-272-1000.

                              /Chi H Pham/
                              Supervisory Patent
                              Examiner, Art Unit 2616
                              5/16/08

SH